

**Statement of the Honorable Robert B. Charles**  
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**Enforcement.**

Mr. Chairman and Members of this distinguished subcommittee and committee, thank you for inviting me to give testimony today. Please know that sitting before you on a topic as vital to our national security as immigration is a distinct privilege. While there is much to say, I will limit my remarks to four short observations this afternoon. Within that four-cornered frame, details can be debated. Without that frame, it seems to me that meaningful debate is lost, or at least left aimlessly wandering.

First, we live in a land of laws. Not of men, but of laws. When we choose to depart from fidelity to these laws, we lose something more important than votes. We lose the integrity of the law. As inconvenient as it is to enforce the law when there are those who violate it with impunity, our own experience in this country, and the experience of democracies worldwide, reinforce the importance of abiding by the rule of law. If we choose to water down cornerstone norms and enduring, established practices, long viewed as fair, because it is convenient to do so, we lose the very thing we are seeking. We lose the content of citizenship, of being an American. So, on the home front, we cannot diminish the process of legal immigration and naturalization, without diminishing the sacrifice of those who – over some 20 generations – have hoped, dreamed, loved, aspired, struggled, learned, assimilated and worked for their citizenship. If we fail to secure our borders or fail to hold high the standards of American citizenship, we diminish the meaning of citizenship, and the sacrifice of those Americans who have defended this country over generations.

Second, the rule of law is not a principle that applies to Americans alone. No democracy can sustain the will of its people, the protection of lives, liberty and property, without a serious commitment to the rule of law. John Locke, in his Second Treatise, made clear that a democracy's social contract involves first securing the nation. When security has been established and there is the expectation that laws will be accepted, honored and enforced, people begin to mix their labor with the land – or in modern terms – invest themselves with confidence, in the future of their country .... They begin to believe that all they work for is not in vain, that property can be fairly earned, protected and passed to their children.

In short, establishing the rule of law in a representative democracy and maintaining fidelity to it are the foundation stones on which greater economic prosperity and political liberty are built. Nations which have struggled with violence, but which have leaped the pit to land on the side of representative government – nations like Panama and El Salvador, Poland, the Czech and Slovak Republics, former East Germany, Romania, and of course Russia and the CIS states, all have found that consistently protecting the

individual leads to a greater investment by the individual in his or her society, and in time to greater economic growth and political freedom.

Nor do all good and democratic things come in the packaging of a revolution. Allies in this hemisphere, in Europe, Africa, the Middle and Far East have, often by degrees, evolved toward greater reinforcement of democratic institutions, generally designed to protect the individual from an oppressive government, with the salutary effect that they have seen both growing economies and widening circles of political contentment. So, in short, the promise of fighting for, establishing, and maintaining the integrity of self-government and rule of law is not confined to any one nation, but is available to all.

Which leads to the third observation. Our allies – rich and poor, admiring and envious, large and small, dependent and independent, near and far, young and ancient, approving and disapproving, populous and spare of people, sources of legal and illegal immigration, those always at the ready or reluctant to stand by us – all of them ... have within their own borders the same inherent potential for self determination, greater economic prosperity, widening circles of political contentment and a future built on pride in their own sovereign status, flag and fellow citizens – as we do.

Moreover, whatever the economic conditions at any given time, there is always room for improvement of those conditions – providing the rule of law exists and can be maintained – by the collective dedication of a people to their own future. Aside from natural disasters and the scourge of war, both of which challenge the very existence of an economy and a nation, there is always the great potential of a unified commitment to the nation and its future.

Too often, recently, what has been missing is the leadership necessary to keep people from fleeing their home countries – the leadership necessary to unify and secure, solidify and build, grow, inspire, attract and maintain the allegiance of people to the country in which they were born. In short, the problem of the so-called brain drain from these countries must be addressed at least in part by the home country. Far easier it has been to allow them to bleed north or south, east or west, into another country's thriving economy, and to send remittances back – a poor second best to self-sufficiency, to pride in one's own economy, or to holding onto one's citizens by the appeal of a prospering state. When a nation encourages illegal emigration, they encourage the leaching of their own body politic; they lose their best and brightest, the ones with the entrepreneurial spirit, work ethic, commitment, courage, intelligence and ambition to succeed. Those who dare to succeed elsewhere, by definition have chosen not to dare to succeed at home. The loss is all to the country that has not invested itself in retaining, attracting, inspiring and affirming the future on its own soil. So, what is needed? A mutual commitment from our allies to invest and commit, encourage and appeal to the best in their own people – to get them to stay and build stronger states, economies and political systems at home, rather than giving that talent and energy to another nation.

And then, the last side of the frame. Because all nations are not equal, even if all people are equal in the eyes of their Creator, Americans do have an obligation to help those who

labor to help themselves. Here we can get more concrete. At the State Department's nearly two billion dollar Bureau of International Narcotics and Law Enforcement, we often underwrote institution building, capacity creation, the writing of laws, the implementation of laws, the creation of well trained law enforcement forces, prosecutors, judges, even defense counsel. We worked to reinforce the best efforts of nations that struggled to tamp out public corruption, kidnapping, homicide, drug trafficking and terrorism on their own soil.

We began programs that seeded democratic values, such as the Culture of Lawfulness taught to tens of thousands of kids worldwide, in places like Colombia and elsewhere in the hemisphere. We taught human rights and restraint, proportionality and non-lethal riot control, even as we also taught counter-terrorism and the ways in which the rule of law must be retrieved when it has begun to slip away.

We believed in – and we still believe in – our allies, in their peoples, in the men, women and children who want to have a better, safer and more prosperous life. Most of all, we encouraged those who worked to restore the ballast to their own economies and political systems, securing individual rights, trying to establish those conditions – as John Locke said – which permit a safe and secure democracy to thrive.

We do that today, but what is now needed – more than ever – is a collateral commitment, a mutual commitment, a rejoined commitment – by many of our closest allies to reflect on what it will take to keep their own best and brightest from leaving. When we round that corner, we will be on the homestretch. When we round that corner, this hemisphere and those outside this hemisphere will have recalibrated themselves to truly and sustainably succeed.

Thank you.